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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,670	08/10/2001	Noel E. Zeller	7485/65582	6526

7590 05/13/2003

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EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 09/927,670	Applicant(s) ZELLER ET AL.	
	Examiner Kimberly T. Wood	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 4/4/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8,10-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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This is the third office action for serial number 09/927,670, entitled Clipboard and Reading Stand With light and Drawers, filed on August 10, 2001.

***Allowable Subject Matter***

The indicated allowability of claim 18 is withdrawn in view of the newly discovered reference(s) to Richardson. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson 4,619,386 in view of Fisherman 5,176,438. Richardson discloses a base (14), a support (10), an adjuster comprising a stay arm (88) and hinge (85), two compartments (near 18 and 16 being one compartment, and 38 being the other compartment, means for selectively opening and closing the compartments (66 and 28), a light (56), and a device for securing writing material (64) being a spring clip (column 2, lines 2ff) or page holder (64). Richardson discloses all of the limitations of the claimed invention except for the retractable light. Fisherman discloses a

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base (22e and 22f), a support (14 and 22d and 22c), an adjuster (hinge attachment) including a stay arm (22a and 22b), a light (30, 38, and 44), device for writing material (24), spring loaded clip (16) or page holder (16), a telescoping stalk pivotably mounted to the apparatus (near 38 and 44a, column 2, lines 66ff, and see figure 6). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Richardson to have made the light to be retractable and extendable as taught by Fisherman for the purpose of allowing the light to be adjusted relative to the support for increasing or decreasing the amount of light on the clipboard and allowing the light to be moved to any desired position over the reading surface of the clipboard.

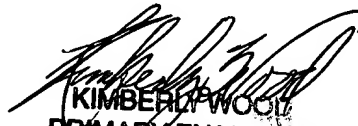
Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson 4,619,386 in view of Fisherman 5,176,438 in view of Menaged 5,025,353. Richardson in view of Fisherman discloses all of the limitations of the claimed invention except for page holder being a pair of spaced apart spring loaded tabs. Menaged discloses a base (14), a support (26), an adjuster (24) being a hinge, a securing device being a spring clip (38; see column 4, lines 53ff) or in regards to claim 15 a page holder comprising a pair of spaced apart spring loaded tabs, a light (12), comprising a stalk (54; telescoping see claim 2) pivotably mounted (58) to the apparatus. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Richardson in view of Fisherman to have included the spring loaded tabs as taught by Menaged as a better means of securing reading material to the apparatus.

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### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9326. The fax number for an Official After Final Amendment or Response is (703) 872-9327.

Kimberly Wood  
Primary Examiner  
May 5, 2003



KIMBERLY WOOD  
PRIMARY EXAMINER